



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,189	08/18/2003	Clifton Lind	988.1041	3668
92885	7590	03/02/2011		
Multimedia Games Inc 206 Wild Besin South Austin, TX 78701			EXAMINER VO, PETER DUNG BA	
			ART UNIT	PAPER NUMBER
			3718	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jp.cody@mm-games.com
rculbertson@tcg-ipl.com
caleman@tcg-ipl.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CLIFTON LIND, BRENDAN O'CONNOR, GARY L. LOEBIG,
ROBERT LANNERT, JOSEPH R. ENZMINGER, and
JEFFERSON C. LIND

Appeal 2009-004385
Application 10/643,189
Technology Center 3700

Before: WILLIAM F. PATE III, STEFAN STAICOVICI, and
KEN B. BARRETT, *Administrative Patent Judges*.

PATE III, *Administrative Patent Judge*.

DECISION ON REQUEST FOR RECONSIDERATION¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellants request reconsideration of the Board's Decision of August 11, 2010.

We deny.

OPINION

This is a response to a Request for Reconsideration (Rehearing) in the above noted appeal. Reconsiderations are limited to points overlooked or misapprehended by the panel in rendering the original Decision.

Appellants argue that Sizer does not in fact disclose or suggest delivering any message when a detected person is at a distance from the message delivery device. *See, e.g.*, Req. Reh'g 1. While we acknowledge that Sizer is primarily concerned with delivering a targeted message to a person proximate to the item or device, it does disclose detecting a person at some distance from the device and delivering a message prior to the arrival of the targeted person.

Specifically, Sizer discloses: "For example, the device might be arranged to deliver a message which refers to items situated further up the aisle in a retail store in the direction which the person is heading." Sizer, col. 6, ll. 21-24. Accordingly, the factual finding in our Decision is fully supported by the disclosure in Sizer.

As the foregoing demonstrates, we have reconsidered our Decision in light of Appellants' Request, but the Request is denied with respect to making any changes to our original Decision.

This is a final Agency decision for purposes of appeal or civil action.

Appeal 2009-004385
Application 10/643,189

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

RECONSIDERATION: DENIED

nlk

Multimedia Games Inc
206 Wild Besin South
Austin TX 78701